

U.S.D.C. Northern / Lubbock

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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2019 MAR -4 PM 1:19

Zachary Don Gillaspie (Petitioner) §

C.A. no. 5:17-CV-179-C

DEPUTY CLERK

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v.

Lorie Davis CID Director (Respondent) §

"Judicial Notice, Motion for Sanctions"

Comes now, Zachary Don Gillaspie, Petitioner, and foremost apologizes for the state of this notice/Motion. This will be curtly demonstrated by the motion as follows. Yet for the notice, a change of address is required. Petitioner has been reassigned as follows:

[TDCJ Stiles Unit
3060 FM 3514
Beaumont, TX 77703]

This MOTION for Sanctions is applicable as follows:

(a) Petitioner was chained off of Michaels unit to walls unit on 2/8/19; BUT in the process, an unwarranted/excessive use of force was used by transport before leaving the unit. Additionally, his ID card was confiscated but never returned, as per policy.

(1) Petitioner was a hold-over at walls from 2/8-2/11. On 2/11/19 was chained to Stiles Unit as new unit of assignment.

[Pg 1 of 3]

- * walk and stand with confidence. Many rapists choose victims who look like they won't fight back or are emotionally weak.
- * avoid talking about sex and casual nudity. These things may be considered a "come on", or make another offender believe there is interest in a sexual relationship.
- * avoid purchasing any items from the commissary with the exception of hygiene items for the first 90 days. Large commissary spends will attract the attention of predators. Do not accept commissary items or other gifts from other offenders. Placing oneself in debt to another offender can lead to the expectation of repaying the debt with sexual favors.

A predator often demonstrates one or more of the following traits:

- Gang affiliated – possible Security Threat Group (STG) member
- Violent history – street smart and an experienced fighter
- Large physical stature – normally larger than the victim
- Possesses power and authority – is feared by other persons
- Recidivist – knows the system and how to use it, including obtaining sexual gratification
- Manipulative – seeks to gain the trust of the potential victim, will offer to "protect" you from others, but will seek sexual favors as payback

Facts for the offender who sexually assaults other offenders:

- * All cases of sexual assault are investigated by the Officer of the Inspector General as criminal investigation. An offender may be prosecuted for a criminal offense and if found guilty of a felony, additional prison time will be stacked on top of the current sentence.
- * If convicted, the victim will have an opportunity to write a statement which can impact the offender's sentence length and ability to parole.
- * The offender will be required to register as a sex offender upon release from prison.
- * The offender will be issued a disciplinary case if found guilty and the penalty will be harsh. Classification custody will be downgraded which could mean a transfer to a higher security prison or housing unit with significantly less freedom of movement and limited privileges. If the offender has family, they will no longer be able to have contact visits.
- * Engaging in homosexual conduct in prison significantly increases the risk of HIV infection, along with exposure to other sexually transmitted diseases.

If sexually assaulted, an offender should:

- * get to a safe place. Report the attack to a staff member immediately. The longer the wait the more difficult it is to obtain the evidence necessary for a criminal and/or administrative investigation.
- * request immediate medical attention. There may be serious injuries not immediately evident, and possible exposure to sexually transmitted diseases.
- * not shower, brush teeth, use the restroom, or change clothes. Do not throw away items used during the act, such as towels or tissue used to clean up because important evidence may be destroyed.
- * report the incident to the Office of the Inspector General Investigator assigned to the facility. All allegations regarding sexual assault will be investigated immediately by the OIG.
- * seek professional help (mental health staff, chaplain, victim representative on the unit, or a family member)

As part of the orientation process, each offender will participate in a peer education class where sexual assault and HIV will be discussed extensively. This class will be taught by other offenders trained in these areas. The information provided will be invaluable during incarceration.

XXIV. OFFENDER LEGAL SERVICES

There are lawyers who work for the Institutional Division of TDCJ who can assist offenders with legal problems. This service is for offenders who can not afford to pay legal aid.

Staff Counsel for Offenders will help with these legal problems:

(2) use of force is demonstrably despotic and unwarranted in reference to a total lack of ANY disciplinary [MA or NC].

(A) Upon the 2/11/19 arrival at Stiles unit "ST", Petitioner wasted no time in writing two "inmate requests" (I-60): (1) To Commissary to report the loss/theft of the ID (per directive found on the back of the card itself); and (2) to law library access to Court's staff (ATC) for paper, pen, and an indigent envelope as lawfully entitlement requires in compensation for the theft of and missing ID card.

(b) As a result of no answers, Petitioner penned (4) more I-60's. (Same two on 2/15 and 2/19.) Six total I-60's, (2 on 2/11, 2 on 2/15 and 2 on 2/19), and as of 2/25/19, no response has been made to ANY despite TDCJ administrative directive that all I-60's have a TWO BUSINESS DAY response limit!

(i) It is for those reasons and the combination of the theft of my ID card; (which means I cannot possibly go to commissary, warranting a MANDATED response from law library ATC staff, that has yet to come...); that Petitioner is being forced to write official court filings on SCRATCH PAPER..

(ii) Gillaspie has missed commissary TWICE now, (and has NOT been on commissary restriction since April 2018 - Feb. 2019). That is loss which is undeniably the responsibility of TDCJ. And by the offender handbook (I-202) SHALL be compensated \$50 per item (2 stores) up to \$500 total (2x\$50=\$100).

out safety should be forwarded on an I-60 to the Safety Officer. For immediate
t a staff member.

M

ty and security of all offenders incarcerated within the agency. However, if an
other offender for money, property, or sexual favors, a trusted staff member (i.e.
supervisor, classification staff member, chaplain, work supervisor, or unit
is comfortable with should be contacted immediately. All allegations of sexual
stigated. The offender will immediately be removed from a potentially serious
be conducted. After the investigation is concluded, the offender will appear before
where decisions concerning safety and security will be made.

violent and unacceptable crime. However, it is a brutal reality faced by offenders
country. Below are some of the factors that lead to sexual assault and will provide
why it occurs.

rape on the street. The motivation is power, dominance and gratification. One
r another, sex is the tool used for control. Offenders who are targeted for sexual
n from stronger offenders. Perpetrators watch and will target victims who exhibit
s. The targeted offender is often young, physically small, effeminate, and a non-
1 will possess one or more of these traits:

history of acting out in a violent manner
20's

niliar with the environment

l

ie reason why sexual assault is seldom reported

are released from prison back into the population of Texas each year. Many
d by rape have a tendency to be violent in the community upon release. Some of
hemselves, seeking to "regain their manhood" through the same violent means by

d is when a potential rapist chooses not to rape. However, an offender may avoid
safety guidelines in mind. A potential victim should be aware of:

be friends

ors

aterial goods (ex. Food or hygiene items)

' are nice guy and everyone else is not trustworthy

' and uses violence to resolve conflict or claim territory

ople as objects

s and displays pornography and/or seems preoccupied with sex

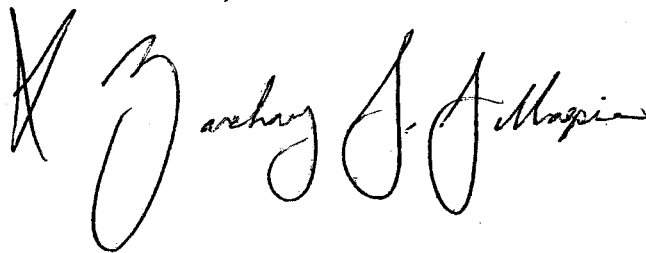
(iii) Additionally, the requests to ATC staff are within express parameters at: 25 pgs paper (personal), 25 pgs paper (legal) and 1 pm.

PRAYER: For the reasons outlined (a)(2)(B)(ii), Petitioner moves to vacate TDCJ for \$100 paid to his inmate trust; and against ATC staff as outlined in (2)(2)(B)(iii) above, 25+25=50 x 3 = 150 pgs paper and 3 pens free of charge rendered to him IMMEDIATELY. Finally, extend my (28) days allowed by Fed. R. Civ. P. 59e, to restart coinciding with the entry of the responsive ORDER (doc. 34?)

CERTIFICATION: I, Zachary Don Gillaspie, do hereby aver and certify all inclusive here-in (doc. 33), to be true and correct under threat of perjury. Furthermore, this filing was signed and served on:

This 06th day of February, 2019.

Zachary D. Gillaspie # -2055943

A handwritten signature in cursive script, appearing to read "Zachary D. Gillaspie". The signature is written in dark ink and is positioned below the typed name.

a transfer facility up to two years. However, an offender may be transferred to
The decision to transfer an offender is made by the Classification and Records

Assignments

on or after April 1, 1995 will be assigned the time earning status of Line Class I.

ie-Earning Categories

***Post 70th Legislature**

Diligent		
tus Time	Participation	Total Days
redits	Credits	GCT
warded	Awarded	Possible
r Month	Per Month	Per Month
30	15	45
30	15	45
30	15	45
25	15	40
20	15	35
10	15	25
0	0	0

duct Time
oved Trusty

atus

1 in time earning class, an offender must meet the following minimum criteria.

st six months.

disciplinary cases within the past 12 months.

rimarily influenced by institutional behavior, criminal history and sentence length.

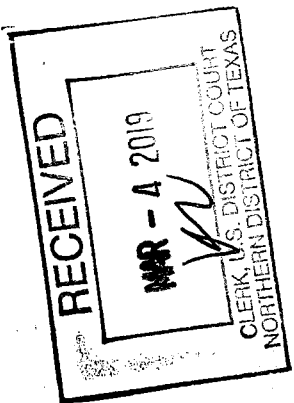
Zachary Gillaspie #-2058943

Stiles unit

3060 FM 3514

Beaumont, TX 77705

U.S.D.C. (office of the clerk)
Northern district of Texas
1205 Texas Ave., (M. 209)
Lubbock, TX 79401



79401-402771

LEGAL